

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CLINT EDWARDS,

Plaintiff,

-against-

JEREMY MANGION, M.D.; NATHANIEL RAWICKI, M.D.; ADAM SHANER, M.D.; ASHLYN MORSE, M.D.; WILLIAM J. WALSH, M.D.; CHRISTOPHER MELTSAKOS, M.D.,

Defendants.

USDC SDNY
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ELECTRONICALLY FILED
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DATE FILED: 5/12/21

20-CV-7370 (VB)

VALENTIN ORDER

Copies Mailed/Faxed
Chambers of Vincent L. Briccetti

VINCENT L. BRICCETTI, United States District Judge:

Plaintiff, currently incarcerated in Sing Sing Correctional Facility, brings this pro se action under 42 U.S.C. § 1983, alleging that he was denied adequate and timely medical care while he was detained in the Westchester County Jail. Plaintiff names in his complaint six doctors who he alleges provided him medical service at Westchester Medical Center: Defendants Jeremy Mangion, M.D.; Nathaniel Rawicki, M.D.; Adam Shaner, M.D.; Ashlyn Morse, M.D.; William J. Walsh, M.D.; and Christopher Meltsakos, M.D.

DISCUSSION

By order dated September 14, 2020, the Court granted plaintiff's request to proceed without prepayment of fees, that is, in forma pauperis (IFP), entitling him to rely on the Court and the U.S. Marshals Service to effect service. See Walker v. Schult, 717 F.3d. 119, 123 n.6 (2d Cir. 2013). On September 16, 2020, the Court issued an Order of Service, directing the Clerk of Court to fill out a U.S. Marshals Service Process Receipt and Return form ("USM-285 form") for defendants Jeremy Mangion, M.D.; Nathaniel Rawicki, M.D.; Adam Shaner, M.D.; Ashlyn Morse, M.D.; William J. Walsh, M.D.; and Christopher Meltsakos, M.D., and to issue

summonses and deliver to the Marshals Service all the paperwork necessary for the Marshals to effect service upon these defendants. (Doc. #6).

Summons were issued and Fed. R. Civ. P. 4 Service Packages were emailed to the U.S. Marshals Service on September 17, 2020.

On February 17, 2021, the Court received the Marshals' Process Receipt and Return of Service unexecuted for all the defendants because the Westchester Medical Center's "legal department refused to take process because they don't accept it in medical facility. All process should be addressed to the physician's address." (Docs. ##9-14).

On February 19, 2021, the Court issued an Amended Order of Service, directing that defendants be served through the County of Westchester, Law Department. (Doc. #15). An amended summons was issued on February 23, 2021. (Doc. #16).

On March 11, 2021, the Court again received the Marshals' Process Receipt and Return of Service unexecuted for all the defendants because none of the defendants are employees of the County of Westchester. (Docs. ##17-22).

Under Valentin v. Dinkins, a pro se litigant is entitled to assistance from the district court in identifying an unidentified defendant. 121 F.3d 72, 76 (2d Cir. 1997). In accordance with the Second Circuit's instruction that district courts assist pro se incarcerated litigants with identifying and locating defendants, the Court requests that the Westchester County Medical Center provide the addresses of where defendants Jeremy Mangion, M.D.; Nathaniel Rawicki, M.D.; Adam Shaner, M.D.; Ashlyn Morse, M.D.; William J. Walsh, M.D.; and Christopher Meltsakos, M.D. can be served with process. To be clear, the Court is not requesting the Westchester Medical Center provide representation to or indemnify these individuals.

To the extent it can, the Westchester Medical Center is requested to produce the information specified above within 30 days of the filing date of this Order. The information should be sent to the Clerk of the Court for the Southern District of New York, and to plaintiff at his address listed on the docket.

CONCLUSION

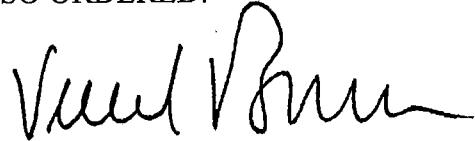
To the extent possible, the Westchester Medical Center is requested to produce the information specified above regarding the addresses of defendants within thirty (30) days of the filing date of this Order.

The Court directs the Clerk of Court to mail a copy of this Order to the Westchester Medical Center, at 100 Woods Road, Valhalla, New York 10595.

The Clerk is also instructed to mail a copy of this Order to plaintiff at the address on the docket.

Dated: May 12, 2021
White Plains, New York

SO ORDERED:



VINCENT L. BRICCETTI
United States District Judge